



Attorney's Docket No.: 07422-013001

#13/Elec
5/17/00
Jo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Finlay *et al.*
Serial No. : 09/189,415
Filed : November 10, 1998
Title : HOST RECEPTOR FOR A PATHOGENIC BACTERIA

Art Unit : 1641
Examiner : V. Ryan

MAR 31 2000
TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the office action mailed January 14, 2000, the time for responding having been extended to April 14, 2000, by the accompanying fee and petition under 37 C.F.R. 1.136(a), the Restriction Requirement with respect to the pending claims set forth in Group I, claims 1 to 7, and Group V, claims 23 to 28, is traversed, as the polypeptides recited in claims 1-7 can be employed in the method of ameliorating a disease caused by a Tir-producing organism set forth in claims 23 to 28.

On page 4, lines 12 to 19, the Restriction Requirement states in pertinent part that, although "... Inventions I and V are related as product and process of use ... the product as claimed can be used in a materially different process of using that product." The Restriction Requirement further states that, "In the instant case the polypeptide can also be used in immunoassays." Applicants agree that a polypeptide as set forth in Group I of the present invention can have numerous uses in addition to those recited in claims 23 to 28. Nevertheless, Applicants submit that a search of claims 23 to 28 in conjunction with claims 1 to 7 would not constitute an undue burden on the Examiner in view of the fact that the subject matter of the claims of Groups I and V overlap. Accordingly, for the reasons set forth above, Applicants respectfully request rejoinder and examination of claims 1 to 7 and 23 to 28.

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

March 24, 2000

Deborah Dean

In order to be responsive to the Restriction Requirement, Applicants elect with traversal the invention of Group I, claims 1-7, drawn to a polypeptide of the invention.

Applicants' representative may be reached at (858) 678-5070, should the Examiner wish to discuss matters related to the present communication. Please apply any charges or credits to Deposit Account No. 06-1050.



Respectfully submitted,

Date: 3/24/00

Michael Reed, Ph.D.
Reg. No. P-45,647
Applicants' Representative

Fish & Richardson P.C.
4350 La Jolla Village Drive, Ste. 500
San Diego, CA 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099